

Monthly Progress Report #53

March 2009

Falcon Refinery Superfund Site
Ingleside
San Patricio County, Texas
TXD 086 278 058

Prepared for

National Oil and Recovery Corporation
3717 Bowne Street
Flushing, NY 11354

April 10, 2009

Prepared by

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None this reporting period

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1.0 INTRODUCTION

This fifty-third Monthly Progress Report is submitted in accordance with the Falcon Refinery Site Administrative Orders on Consent for Removal Action and Remedial Investigation / Feasibility Study between the U.S. Environmental Protection Agency (U.S. EPA) and National Oil Recovery Corporation (NORCO).

This Monthly Progress Report and subsequent reports will address activities associated with both of the orders.

The next monthly progress report, covering April, 2009 will be submitted on or before May 10, 2008.

2.0 COMPLETED ACTIVITIES

2.1 Removal Action Activities

Field activities have been suspended at the refinery while potential purchasers evaluate the conditions at the site. NORCO will be contracting to remove the sludge that exists in tanks 7, 10, 26, 27 and 30. The EPA will be notified prior to any disposal of the oily waste and sludge.

To date a total of approximately 7,774,721 gallons of hazardous waste have been removed from all of the above ground tanks and disposed via deep well injection at Texas Molecular.

Prior to the beginning of liquid waste disposal in October 2004, the volume of waste in the above ground storage tanks was measured at 6,844,094 gallons. Apparently due to holes in the tops of the tanks the volume of waste has increased due to rainfall, since more waste has been disposed of than was originally measured.

Original waste manifests are available at the Kleinfelder office in Austin. A compilation of hazardous liquid waste disposal is included as Table 1.

2.2 Remedial Investigation / Feasibility Study (RI/FS)

Based on the results of the Phase I sampling from the RI/FS work plan, an Addendum RI/FS Work Plan, Field Sampling plan and Quality Assurance Project Plan were prepared during March and were submitted on April 1, 2009. The addendum plans discuss proposed sampling for Phase II of the RI/FS.

3.0 CHANGES MADE IN THE PLANS DURING THE REPORTING PERIOD

Developed a proposed Phase II sampling plan and the documents listed in Section 2.2.

4.0 COMMUNITY RELATIONS

The EPA has developed a web site to display information about the Removal Action and RI/FS activities. Information can be found by going to www.epaossc.net and selecting web sites, then Region 6 and then the Falcon Refinery Site.

5.0 CHANGES IN PERSONNEL DURING THE REPORTING PERIOD

David Dickey has been added to the project team as a risk assessor and Kent Hedges is now the Quality Assurance Officer for the project. Resumes for Mr. Dickey and Mr. Hedges are provided in Appendix A.

6.0 LIST OF PROJECTED WORK FOR THE NEXT TWO MONTHS

6.1 Removal Action Work projected for the next two months includes:

- Separation and removal of waste from Tanks 7, 10, 26, 27 and 30;
- Disposal of any non-oily waste at Texas Molecular; and
- Continued site maintenance

6.2 RI/FS Work projected for the next two months includes:

- Review of the comments to the Addendum RI/FS Work Plan, Field Sampling Plan and Quality Assurance Project Plans,
- Implementation of Phase II of the RI/FS; and
- Development of the Baseline Human Health Risk Assessment and the Screening Level Ecological Risk Assessment.

7.0 LABORATORY / MONITORING DATA

Results of the Phase I RI/FS sampling were initially provided to the EPA during March 2008.

TABLES

Table 1
Hazardous Liquid Waste Disposal

DISPOSAL FACILITY	ADDRESS	PHONE NO.	EPA ID NO.	CONTACT
Texas Molecular Corpus Christi Services, LP	6901 Greenwood Dr. Corpus Christi, TX	361-852-8284	TXR000001016	Robert Rodriguez
RQ, HAZARDOUS WASTE LIQUID N.O.S., 9 , UN3082, III (D007, D008, D018)				
	Month	Volume (gal)		
	October-04	53,832		
	November-04	734,763		
	December-04	879,158		
	January-05	783,881		
	February-05	551,444		
	March-05	565,489		
	April-05	445,107		
	May-05	471,311		
	December-05	42,550		
	January-06	58,740		
	February-06	59,140		
	March-06	0		
	April-06	29,371		
	May-06	59,018		
	June-06	97,151		
	July-06	118,743		
	August-06	148,509		
	September-06	109,908		
	October-06	86,665		
	November-06	140,498		
	December-06	85,813		
	January-07	118,541		
	February-07	107,985		
	March-07	152,493		
	April-07	121,588		
	May-07	150,368		
	June-07	87,900		
	July-07	143,485		
	August-07	94,727		
	September-07	0		
	October-07	50,298		
	November-07	151,227		
	December-07	112,285		
	January-08	119,353		

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		February-08	88,777		
		March-08	60,913		
		April-08	18,695		
		May-08	25,349		
		June-08	0		
		July-08	250,475		
		August-08	331,248		
		September-08	67,923		
		October-08	0		
		November-08	0		
		December-08	0		
		January-09	0		
		February-09	0		
		March-09	0		
		Total	7,774,721		

Table 2

Metal Disposal

DISPOSAL FACILITY		ADDRESS	PHONE NO.	EPA ID NO.	CONTACT
Commercial Metal Company		4614 Agnes St Corpus Christi, TX	361-884-4071	None	David
		RECYCLED METAL			
		Month	Volume (lbs)		
		October-04	0		
		November-04	16,820		
		December-04	19,640		
		January-05	31,380		
		February-05	0		
		Total	67,840		
		FIRE EXTINGUISHERS			
		Month	Quantity		
		December-04	10		
		Total	10		
	Industrial Fire & Safety Co. removed 10 fire extinguishers from the job site. The powder was disposed of properly and the metal went to salvage.				

Table 3
Contaminated Soil and Oily Debris Disposal

DISPOSAL FACILITY	ADDRESS	PHONE NO.	EPA ID NO.	CONTACT
U.S. Ecology Texas L.P.	P.O. Box 307 Robstown, TX	361-387-3518	TXD069452340	Glenda Felkner
PETROLEUM CONTAMINATED SOIL AND OILY DEBRIS				
	Month	Volume (cy)		
	October-04	0		
	November-04	0		
	December-04	40		
	January-05	0		
	February-05	0		
	Total	40		
RQ, HAZARDOUS WASTE SOLID, N.O.S., LEAD, 9 NA3077, PGIII (OILY SLUDGE AND SOIL)				
	Month	Volume (cy)		
	February-05	15		
	Total	15		

Table 4
Oil and Filter Disposal

DISPOSAL FACILITY	ADDRESS	PHONE NO.	EPA ID NO.	CONTACT
Texas Molecular Corpus Christi Services, LP	6901 Greenwood Dr Corpus Christi, TX	361-852-8284	TXR000001016	Robert Rodriguez
RECYLCED OIL AND FILTERS				
	Month	Volume (gal)		
	January-05	403		
	February-05	0		
	Total	403		
DISPOSAL FACILITY	ADDRESS	PHONE NO.	EPA ID NO.	CONTACT
Midstate Environmental Services, LLC	2203 Tower Road Robstown, TX	361-387-2171	TXR000051227	Lloyd Cooke
RECYLCED OIL AND FILTERS				
	Month	Volume (gal)		
	January-05	16,651		
	February-05	0		
	Total	16,651		

APPENDIX A PERSONNEL RESUMES

DAVID DICKEY
Vapor Intrusion Specialist

Human Health Risk Assessor

Summary of Experience

David has over 15 years of experience bringing sites into compliance with environmental regulations through technical and management processes, most recently in the field of vapor intrusion risk assessment. His experience includes: Chemical toxicology, Scientific support to the US Coast Guard in spill response; State environmental regulator enforcing regulations and negotiating compliance criteria, assessing potential Superfund sites, and developing risk assessment regulations; and, Environmental consultant performing site investigations, risk assessments, and negotiations with regulators.

Recent technical responsibilities have included vapor intrusion evaluation (Johnson and Ettinger model); human health risk assessment (HHRA); providing expert technical advice for HHRA and vapor intrusion site assessment; sampling and analysis planning and execution; mentoring junior technical staff; technical report writing, and integration of analytical results into strategic planning.

Recent management responsibilities as a task leader or project manager have included internal and external business development; proposals; client relations; budget forecasting and management; project team identification and selection; and delegation/oversight of task execution.

David is familiar with vapor intrusion and human health risk assessment requirements in the following states: California, Louisiana, Michigan, New Jersey, New York, Ohio, Texas, and Virginia.

Education

MS, Environmental Science, Louisiana State University, Alexandria, Louisiana, 1994
BS, Microbiology, Louisiana State University, Alexandria, Louisiana, 1991

Project Experience

The following is a representative selection of David Dickey's project experience.

Vapor Intrusion Risk Assessor

Solvent Contaminated Site, Bremen, Ohio: Ohio Voluntary Action Program (VAP) – 2006-2007

Mr. Dickey developed groundwater screening levels and cancer/non-cancer risk summaries for potential vapor intrusion at an industrial site within a sensitive regulatory environment.

Developed and applied revised toxicity factors for key constituents applicable to site-specific conditions. Assisted staff geologists and hydrogeologists develop a refined understanding of how site stratigraphy influenced vapor intrusion. This refined stratigraphic understanding directly led to a revised finding that excessive vapor intrusion risk was unlikely; eliminating a requirement for intensive groundwater sampling and potential sub-slab and indoor air sampling within a third-party's building.

Former Chemical Manufacturer (Superfund Site); Edgewater, New Jersey – 2006-2007

Mr. Dickey evaluated volatile organic carbon (VOC) and chlorinated VOC concentrations detected in soil, groundwater, indoor air, ambient air, and sub-slab vapors for potential vapor intrusion risk affecting a multi-use office building (including a child daycare facility).

Wrote vapor intrusion reports for regulatory compliance, RI/FS reporting, community relations meetings, responsible party workgroup notifications, and status reports for municipal, county, state, and federal politicians (including a federal Senator). Evaluated site data to develop site-specific Particulate Emission Factors (PEFs) to address arsenic in surface soil. From chemical inventory records of third-party occupied buildings, identified consumer products containing constituents creating excess risk to the building occupants, including the daycare facility; eliminating indoor air remediation liability for the client.

Former Railroad Yard Redevelopment, Las Vegas, Nevada – 2008

Mr. Dickey evaluated soil gas concentrations of fuel and solvent constituents of concern (COCs) for potential vapor intrusion risk. Used appropriate generic attenuation values from California vapor intrusion guidance documents under a commercial/industrial future building scenario reflective of client plans to build a casino and hotel.

The vapor intrusion evaluation report will be used by construction engineers to develop cost estimates for vapor intrusion mitigation measures, if necessary.

Of note, hydrogen sulfide was noted at high concentrations in the field notes. Though H₂S was not at a concentration indicative of risk, its presence was noted for the engineer's reference in order to account for potential odor impacts to the aesthetic value of indoor air.

Human Health Risk Assessor

Industrial Facility; Bay City, Michigan - From 2005 To 2007

Mr. Dickey developed human health risk evaluations for a variety of sites at a third-party occupied industrial facility. Risk scenarios included unique recreational users and site-specific industrial worker scenarios. Constituents of concern (COCs) included heavy metals, polychlorinated biphenyls (PCBs), and dioxins/furans. Risk calculations were conducted using Michigan Department of Environmental Quality (MDEQ) risk program requirements.

The necessity for human health risk evaluations was determined late in the EI submittal process. However, Mr. Dickey completed the multiple risk evaluation tasks quickly, comprehensively, and efficiently, allowing submittal of the EI report on time. While the EI was still under review by the regulatory agency, the state determined it was satisfied with the risk evaluations and no excess risk was present.

Third-Party Review of HHRA; High-visibility Site, Pacoima, California - 2008

In support of client Due Diligence process, Mr. Dickey conducted a third party peer review of an HHRA report submitted to and approved by the state of California.

Mr. Dickey identified several significant issues in the HHRA report that indicated potential future liability for a potential landowner. These included deficiencies in the scope of the risk evaluation, conduct of the risk evaluation, and especially, indications of errors in the regulatory review and approval of the submittal.

Detailed reporting of these findings enable the client to address the issues with the landowner and better evaluate other landowner documents for regulatory agency procedural issues that may create a "re-opener".

State Environmental Compliance and Risk Assessment

Texas Regulatory Compliance and Risk Assessment (TRRP) – 2002-2005

At an active chemical plant in Beaumont, TX, Mr. Dickey planned and conducted site assessments and evaluation of potential risk under Texas' Risk Reduction Program (TRRP) for compliance with a site-wide RI/FS.

Michigan Regulatory Compliance and Risk Assessment – 2005- 2007

Mr. Dickey conducted human health risk evaluations for an industrial facility in Michigan impacted with heavy metals, polychlorinated biphenyls (PCBs), and dioxin/furans. Risk evaluations were conducted using the Michigan risk assessment regulations and included use of the Michigan on-line statistical analysis software.

New Jersey Regulatory Compliance and Risk Assessment – 2005- 2007

Under the regulations of the New Jersey Department of Environmental Protection (NJDEP), Mr. Dickey evaluated human health risk and vapor intrusion at a Superfund Site. Mr. Dickey has also developed site-specific vapor intrusion screening values for a

large table of constituents by adapting the NJDEP Johnson & Ettinger model to site-specific conditions.

Ohio Voluntary Action Program (VAP) and Risk Assessment – 2005- 2007

In coordination with a Certified Environmental Professional, Mr. Dickey has overseen the Phase II section of an NFA submittal for a plastics manufacturing facility and was the technical lead for the vapor intrusion portion of a site impacted with chlorinated solvents.

W. Kent Hedges
Quality Assurance Officer

Summary of Experience

Mr. Hedges brings over 15 years of remediation, program and project management experience. He has been involved in a variety of environmental projects, including remedial investigations and remedial feasibility studies, Phase I and Phase II environmental site assessments, large-scale contaminant removals, UST removals and cleanups, as well as air pollution control engineering and design, water quality engineering and systems design, unit operations and processes, wastewater engineering and engineering economy. Mr. Hedges has experience managing multi-stage remedial projects and directing multidisciplinary technical staff. He has worked closely with state and local regulatory agencies in California and several other states and with the USEPA.

Kent led a diverse team of 38 professional engineers, geologists and support staff as the Regional Environmental Manager for Kleinfelder's Inland Empire Region. Kleinfelder is one of the top 50 environmental engineering consulting firms in the United States. The Inland Empire encompasses the geographies of San Bernardino and Riverside counties. Kent's team supported client needs in all aspects of the built environment, with particular focus on environmental concerns including but not limited to air quality, water quality, solid waste, site assessment, and remediation of various contaminants of concern. Specific job related responsibilities included:

Kent spent 10 years as a Civil Engineer Corps Officer with the US Navy. During his Navy career, he was the Contracting Officer overseeing the closure of Marine Corps Air Stations El Toro and Tustin. He was also the Public Works Officer at Marine Corps Air Station Camp Pendleton and the Assistant Public Works Officer at Marine Corps Base Camp Pendleton.

Kent's work experience includes managing the largest Marine Corps construction program (over \$1B), with projects such as barracks, dining facilities, fitness centers, and large utility infrastructure improvements including electrical, mechanical, wastewater and storm water systems. With more than 15 endangered species and three archeological sites located within the boundaries of Marine Corps Base Camp Pendleton, Kent successfully orchestrated the construction efforts through close coordination with several local, state and federal regulatory agencies as well as Native American tribal councils.

Education

BS, Civil Engineering, University of Southern California, California, 1991

Registrations

Engineer-in-Training (E.I.T./F.E.), No.116530, State of California,

Project Experience

The following is a representative selection of Mr. Hedges' project experience.

Federal Government

Contracting Officer/Civil Engineering oversight for a Department of the Navy (SWDIV) RAC at Marine Corps Air Facility Tustin. 2002

Project included the placement of groundwater extraction wells in and around an MTBE-contaminated groundwater plume, design of piping system to treatment facility, and the construction and operation of the groundwater treatment system using the HiPOx Oxidation Chemistry.

Contracting Officer/Civil Engineering oversight for a Department of the Navy (SWDIV) RAC at Marine Corps Air Facility Tustin. 2002

Project includes removal of USTs and ASTs; removal of petroleum hydrocarbon contaminated soil; treatment of contaminated soil through an on-site thermal desorption unit; treatment of groundwater and soil with an air-sparge/soil vapor extraction system; decontamination of RCRA storage facilities; and implementation of CERCLA remediation plans and closures.

Assistant Public Works Officer/Civil Engineer at Marine Corps Base Camp Pendleton.

Kent led the integration of National Environmental Policy Act provisions for all efforts coordinated between construction and design contractors and their interaction with the federal government. These process improvements included specifically identifying action proponents for all stages of generation of Categorical Exclusions, Environmental Assessments and Environmental Impact Reports, while incorporating them into the existing construction project development processes of several Marine Corps base departments.

Groundwater/Soil Extraction

In-situ Dual Phase Vacuum Extraction for Petroleum Underground Storage Tanks, ExxonMobil Corporation, Numerous Locations throughout Southern California

Mr. Hedges assisted in the design, installation, and operation of dual phase groundwater and soil vapor extraction systems at numerous locations throughout Southern California. His duties on these projects included scheduling outside contractors, notifying the appropriate regulatory agencies, installation and operation of all remedial equipment and supervision of field activities and report preparation.